

09-10-02

OP 1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD E. WOOLEY
BRANSON W. RITCHIE

Title: MEDICAL COMPOSITIONS, DRESSINGS AND METHODS FOR TREATING MICORBIAL INFECTIONS OF SKIN LESIONS

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Assistant Commissioner for Patents
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Washington, D.C. 20231

Sir:

Enclosed for filing in the above case are the following documents:

1. Response to Restriction Requirement (2 pages); and
2. Return Postcard.

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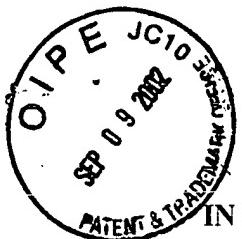
Docket No.: U022 1020.1

I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE"

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
RICHARD E. WOOLEY)
BRANSON W. RITCHIE)
Serial No: 09/555,657)
Examiner: MICAH-PAUL YOUNG
Filed: SEPTEMBER 18, 2001)
Art Unit: 1615
Title: MEDICAL COMPOSITIONS,)
DRESSINGS AND METHODS FOR)
TREATING MICROBIAL INFECTIONS)
OF SKIN LESIONS)
Docket No.: U022 1020.1

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner For Patents
Box Non-Fee Amendment
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 9, 2002, which imposed a restriction requirement upon the pending claims 1-53 of the present application, Applicant hereby provisionally elects group I (Claims 1-22) for examination in the present application with traverse.

The Examiner states that:

"Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I, which is drawn to a method of inhibiting bacteria growth in a wound, does not require the dressing of group II. The dressing of group II acts as a support to an antibacterial composition yet this support is not required in the inhibitory method of group I. Group I is unrelated to group III in that the method does not require the instructions or packaging described by the kit of group III. Group II is unrelated to group III in that the dressing and the method of using the dressing do not require the instructions of kit preparation as described in group III."

M.P.E.P. § 808.04, states that:

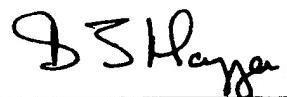
"If it can be shown that the two or more inventions *are in fact independent* [emphasis added], applicant should be required to restrict the claims presented to but one of

such independent inventions. For example:(A) Two different combinations, *not disclosed as capable of use together* [emphasis added], having different modes of operation, different functions or different effects are independent....(B) Where the two inventions are process and apparatus, *and the apparatus cannot be used to practice the process or any part thereof* [emphasis added], they are independent....”

Applicant asserts that the groups I, II and III claims are so closely related that examining the Group I, II and III claims in the present application would not constitute a serious burden on the U.S.P.T.O. The group II claims are drawn to a medical dressing that comprises the antimicrobial composition, the use of which, to inhibit a microbial infection of a skin lesion, is claimed in the group I claims. The MPEP at 806.04 describes as an example of two sets of claims that are drawn to independent inventions, a process and an apparatus, *and the apparatus cannot be used to practice the process or any part thereof* (see above quote) they are independent....” The present application, however, is drawn to a medical dressing for the application of the antimicrobial composition for the treatment of a skin lesion. The medical dressing, therefore, cannot be used without the method as claimed in Claims 1-22 of the present application.

The group I claims are clearly related to the group III claims in that the use of the kits cannot be practiced without the method of the group I claims. Furthermore, the invention as claimed in Claim 53 is a kit comprising a medical dressing as claimed in Claims 23-49, and the use thereof requires the methods as claimed in Claims 1-22 of the present application. Accordingly, groups I, II and III, as designated by the Examiner do not represent independent inventions and reconsideration of the restriction requirement is respectfully and earnestly requested.

Respectfully submitted,



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